

TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371

17810-511NATL

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR
09/914,457INTERNATIONAL APPLICATION NO.
PCT/US00/05840INTERNATIONAL FILING DATE
03 March 2000 (03.03.00)PRIORITY DATE CLAIMED
05 March 1999 (05.03.99)

TITLE OF INVENTION

THE ISOLATION AND ENRICHMENT OF NEURAL STEM CELLS FROM UNCULTURED TISSUE BASED ON
CELL-SURFACE MARKER EXPRESSION

APPLICANT(S) FOR DO/EO/US

ANDERSON, David J.; MORRISON, Sean

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☐ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A copy of the International Search Report (PCT/ISA/210).

Items 13 to 20 below concern document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☐ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A change of power of attorney and/or address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
20. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
22. ☒ Certificate of Mailing by Express Mail
23. ☒ Other items or information:

Notification of Missing Requirements and Response to the Notification of Missing Requirements
Check for \$55.00 for a one month extension of time and a Petition for Extension of Time
Express Mail Label No. EL918131010US
Filed On: 18 January 2002 (18.01.02)

U.S. APPLICATION NO. (IF KNOWN, SEE 09/914,457)	INTERNATIONAL APPLICATION NO. PCT/US00/05840	ATTORNEY'S DOCKET NUMBER 17810-511NATL															
24. The following fees are submitted: BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)) : <input type="checkbox"/> • Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO \$1040.00 <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$890.00 <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$740.00 <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$710.00 <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00 <div style="text-align: right;">ENTER APPROPRIATE BASIC FEE AMOUNT =</div>		CALCULATIONS PTO USE ONLY <div style="border: 1px solid black; height: 100px; width: 100%;"></div>															
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).		<div style="border: 1px solid black; text-align: center;">\$0.00</div>															
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:20%;">CLAIMS</th> <th style="width:20%;">NUMBER FILED</th> <th style="width:20%;">NUMBER EXTRA</th> <th style="width:20%;">RATE</th> <th style="width:20%;"></th> </tr> <tr> <td>Total claims</td> <td style="text-align: center;">- 20 =</td> <td style="text-align: center;">0</td> <td>x \$18.00</td> <td style="text-align: center;">\$0.00</td> </tr> <tr> <td>Independent claims</td> <td style="text-align: center;">- 3 =</td> <td style="text-align: center;">0</td> <td>x \$84.00</td> <td style="text-align: center;">\$0.00</td> </tr> </table>	CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		Total claims	- 20 =	0	x \$18.00	\$0.00	Independent claims	- 3 =	0	x \$84.00	\$0.00	<div style="border: 1px solid black; text-align: center;">\$0.00</div>	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE														
Total claims	- 20 =	0	x \$18.00	\$0.00													
Independent claims	- 3 =	0	x \$84.00	\$0.00													
Multiple Dependent Claims (check if applicable). <input type="checkbox"/>		<div style="border: 1px solid black; text-align: center;">\$0.00</div>															
<div style="text-align: right;">TOTAL OF ABOVE CALCULATIONS =</div>		<div style="border: 1px solid black; text-align: center;">\$0.00</div>															
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27). The fees indicated above are reduced by 1/2.		<div style="border: 1px solid black; text-align: center;">\$0.00</div>															
<div style="text-align: right;">SUBTOTAL =</div>		<div style="border: 1px solid black; text-align: center;">\$0.00</div>															
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).		<div style="border: 1px solid black; text-align: center;">\$0.00</div>															
<div style="text-align: right;">TOTAL NATIONAL FEE =</div>		<div style="border: 1px solid black; text-align: center;">\$0.00</div>															
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable). <input checked="" type="checkbox"/>		<div style="border: 1px solid black; text-align: center;">\$40.00</div>															
<div style="text-align: right;">TOTAL FEES ENCLOSED =</div>		<div style="border: 1px solid black; text-align: center;">\$95.00</div>															
<div style="border: 1px solid black; height: 40px; width: 100%;"></div>		<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:80%;">Amount to be refunded</td> <td style="width:20%;">\$</td> </tr> <tr> <td>charged</td> <td>\$</td> </tr> </table>	Amount to be refunded	\$	charged	\$											
Amount to be refunded	\$																
charged	\$																
a. <input checked="" type="checkbox"/> A check in the amount of <u>\$95.00</u> to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>50-0311</u> A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.																	
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.																	
SEND ALL CORRESPONDENCE TO:																	
<div style="border: 1px solid black; padding: 5px;"> ELRIFI, Ivor R. Mintz, Levin, Cohn, Ferris, Glovsky & Popeo, P.C. One Financial Center Boston, Massachusetts, 02111 United States of America </div>																	
<div style="text-align: right;"> SIGNATURE KARNAKIS, Christina V. NAME 45,899 REGISTRATION NUMBER 18 January 2002 (18.01.02) DATE </div>																	

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Anderson, *et al.*

U.S. SERIAL

NUMBER: 09/914,457

INTERNATIONAL

FILING DATE: March 3, 2000

FOR: THE ISOLATION AND ENRICHMENT OF NEURAL STEM CELLS FROM
UNCULTURED TISSUE BASED ON CELL-SURFACE MARKER
EXPRESSION.

January 18, 2002
Boston, Massachusetts

Box PCT

Assistant Commissioner for Patents
Washington, D.C. 20231

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER
35 U.S.C. §371**

In response to the Notification of Missing Requirements Under 35 U.S.C. §371, mailed
October 18, 2001, for filing in the above-referenced patent application are the following
documents:

- ☒ an executed Combined Declaration and Power of Attorney form [3 pgs; 2 counterparts.]
- ☒ Assignment Recordation Coversheet [1 pg.];
- ☒ an Assignment [2 pgs; 2 counterparts]
- ☒ a Petition for a one (1) month extension of time under 37 C.F.R. §1.136(a) [1 pg.];
- ☒ two checks, one the amount of \$40.00 (check #11394) for the Assignment, and \$55.00 (check #11393) for a one (1) month extension of time as set forth in 37 C.F.R. §1.17(a)(1)
- ☒ a Copy of Notification of Missing Requirements; and
- ☒ a Return Postcard.

Applicants note that the Notification of Missing Requirements indicates that an additional claim fee of \$270.00 for 15 total claims over 20 is due. However, Applicants note that a total fee of \$1260.00 was included with the August 28, 2001 filing (\$860.00 for the basic national fee,

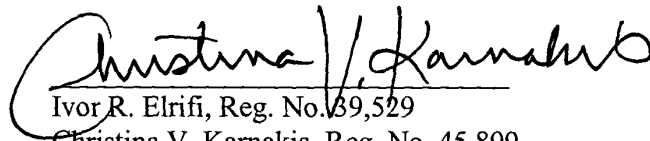
Anderson, et al.
09/914,457

plus \$130.00 for surcharge, plus \$270.00 for 15 claims in excess of 20). Thus, Applicants believe that no additional claim fees are due in this case.

Although Applicants believe that no additional fees are due in connection with this submission, the Commissioner is authorized to credit any overpayment or charge any deficiencies to Deposit Account No. 50-0311, Reference No. 17810-511NATL. A duplicate of this Response is enclosed herewith.

If the enclosed papers are considered incomplete, the Mail Room is respectfully requested to contact the undersigned collect at (617) 542-6000, Boston, Massachusetts.

Respectfully submitted,



Ivor R. Elrifi, Reg. No. 39,529

Christina V. Karnakis, Reg. No. 45,899

MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY and POPEO, P.C.

One Financial Center

Boston, Massachusetts 02111

Tel: (617) 542-6000

Fax: (617) 542-2241

Dated: January 18, 2002

TRA 1619436v1

☒ Commissioner For Patents, Box PCT, United States Patent and Trademark Office, Washington, D.C. 20231, www.uspto.gov

U.S. APPLICATION NUMBER NO.

09/914,457

FIRST NAMED APPLICANT

David J Anderson

ATTY. DOCKET NO.

S 17810-511 NKT

INTERNATIONAL APPLICATION NO.

PCT/US00/05840

I.A. FILING DATE

03/03/2000

PRIORITY DATE

Elrifi, Ivor R.

Minrz, Levin, Cohn, Ferris, Glovsky, & Pope

One Financial Center

Boston, MA 02111

RECEIVED

OCT 22 2001

MINTZ LEVIN, BOSTON
PATENT DOCKET DEPT.

CONFIRMATION NO. 5333

371 FORMALITIES LETTER



OC00000006902657

Date Mailed: 10/18/2001

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated Office (37 CFR 1.494):

- U.S. Basic National Fees
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Preliminary Amendments
- Request for Immediate Examination

Done By <i>JB</i>	
<input checked="" type="checkbox"/> Data Entry	<i>JB</i>
<input checked="" type="checkbox"/> Docket Entry	
<input type="checkbox"/> Docket Cross Off	<i>12/18/01</i>
<input type="checkbox"/> Previously Entered	<i>5/18/02</i>
<input type="checkbox"/> No Docketing Req.	
<input type="checkbox"/> ELITE	
<input type="checkbox"/> Annuities	

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Additionally the following defects have been observed:

- Additional claim fees of \$270 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees

are due.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$270** for a Large Entity:

- Total additional claim fee(s) for this application is **\$270**
 - **\$270** for **15** total claims over 20.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

DEBORAH D WILLIAMS

Telephone: (703) 305-3744

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/914,457	PCT/US00/05840	17810-511